

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF  
CORRECTIONS RELIGIOUS CORDNATOR  
RUCKER, in his individual compacity;  
NEBRASKA DEPARTMENT OF  
CORRECTIONS DIRECTOR ROBERT  
JEFFREYS, in his Individual compacity;  
NEBRASKA DEPARTMENT OF  
CORRECTIONS LPN NUSE LORI  
DECOSTER, in her Individual compacity;  
and NEBRASKA DEPARTMENT OF  
CORRECTIONS PSYCHIATRY DOCTOR  
PHD SHANAN, in her Individual compacity;

Defendants.

**8:24CV181**

**MEMORANDUM AND ORDER**

This matter is before the Court on its own motion. On November 13, 2024, the Court required Plaintiff Austin Edward Lightfeather to show cause why he is entitled to proceed in forma pauperis (“IFP”) in this action. [Filing No. 8](#). The Court has previously determined that three or more federal cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. *See, e.g., Lightfeather v. McSwine*, No. 8:22-cv-00238-JFB-PRSE (D. Neb.) ([Filing No. 11](#), finding Plaintiff has “three strikes” and dismissing complaint pursuant to [28 U.S.C. §1915\(g\)](#)). The Prison Litigation Reform Act (“PLRA”) prevents a prisoner with “three strikes” from proceeding IFP unless the prisoner is under imminent danger of serious physical injury. [28 U.S.C. § 1915\(g\)](#).

To date, Plaintiff has not filed a response to the Court's order to show cause nor has he paid the Court's \$405.00 filing and administrative fees despite the Court's warning that failure to take either action would result in dismissal of this case. The Court also has considered Plaintiff's Complaint, [Filing No. 1](#), and finds his allegations fail to establish a threat of serious injury sufficient to overcome the "three strikes" bar. Liberally construed, Plaintiff's Complaint alleges he has been denied certain accommodations for his Jewish religious practices, defendants Lori Decoster and Dr. Shanan have threatened to place him on "I.M.O. Injection" because of his "Jewish faith," and his "religious freedom is under immediate danger." *Id.* at 10–11 (spelling corrected). Plaintiff's pleadings fail to suggest any threat of serious physical injury to Plaintiff.<sup>1</sup> Accordingly,

IT IS ORDERED that:

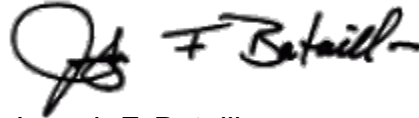
1. Plaintiff's Motion for Leave to Proceed in Forma Pauperis, [Filing No. 5](#), is denied.
2. This case is dismissed without prejudice and a separate judgment will be entered in accordance with this Memorandum and Order.
3. Any notice of appeal filed by Plaintiff must be accompanied by the \$605.00 appellate filing fee because Plaintiff will not be allowed to proceed in forma pauperis on appeal.

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<sup>1</sup> The Court notes that, after Plaintiff filed his Complaint in this case, he filed a "legal notarized document" in another of his cases in this Court declaring he "is not Jewish" and no longer "follow[s] or believe[s] the Jew[ish] teachings of any kind." [Filing No. 9](#), Case No. 8:24CV370.

Dated this 27th day of December, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon  
Senior United States District Judge